IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 15151 of 2007(D)

PETITIONER:

K.KUNHALI, S/O. MRAKKAR,
KUNNUMMAL HOUSE, PANDIKKAD, MANJERI, MALAPPURAM DISTRICT, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER A.V.SASIDHARAN, S/O. VASUDEVAN NAIR, AVANIPPARAKKAL HOUSE, MANJERI P.O.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:

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1. KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, KOLLAM REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.

2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, MALAPPURAM.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.15151/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE APPLICATION DATED 4.8.03 SUBMITTED BY THE PETITIONER FOR REFUND OF WELFARE FUND AMOUNT.

EXT.P2: TRUE COPY OF THE SPECIAL POWER OF ATTORNEY EXECUTED BY THE PETITIONER IN FAVOUR OF ONE A.V. SASIDHARAN, DATED 25.1.2003.

EXT.P3: TRUE COPY OF THE COMMUNICATION NO.R4/4598/05 DATED 2/07 FROM THE FIRST RESPONDENT TO THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE COMMUNCATION NO.EM 303/CL/B2 DT.22.307 FROM THE 2ND RESPONDENT TO THE PETITIONER.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.15151 OF 2007

DATED THIS THE 6th DAY OF JULY, 2007

JUDGMENT

The petitioner has approached this Court when the Kerala Motor Transport workers Welfare Fund Board has refused to pay the amount due, to the power of attorney holder, authorised by the petitioner. The respondents have filed a statement to the effect that pursuant to the decision of the Board, only members of the family are being paid amounts under the Act and it is submitted that if any member of the family of the petitioner makes an application, the same would be paid to them. This is acceptable to the learned counsel for the petitioner.

2. Accordingly, I direct that if any member of the petitioner's family approaches the 2nd respondent, the amount due to the petitioner by way of Welfare Fund amounts shall be paid to that family member not later than three weeks from the date of receipt of an application from the family member.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd